

Introduction and first reading:	03/08/05
Public hearing:	03/12/05
Second reading and enactment:	03/12/05

### INFORMATION ON PROPOSED ORDINANCE

#### Title

AN ORDINANCE to amend and reordain Chapter 4 (CONDOMINIUMS AND COOPERATIVES) of Title 7 (PLANNING AND DEVELOPMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.

#### Summary

The proposed ordinance revises the provisions of the City Code which require that condominium conversion projects file with the City copies of all papers filed with the Virginia Real Estate Board. The proposed ordinance requires that more complete information, including notices sent to tenants, be provided to the City at the same time as the information is provided to the state board or tenants in the building. In addition, the proposed ordinance establishes penalties for failure to provide required information, for providing inaccurate or misleading information, as well as for failing to pay tenant relocation costs as required by the City. These provisions are intended to afford the City enhanced tools to ensure that the conversion process complies with applicable state and local law.

#### Sponsor

#### Staff

Mildrilyn S. Davis, Director, Office of Housing  
Ignacio Pessoa, City Attorney

#### Authority

§§ 2.01, 2.06, Alexandria City Charter  
§§ 55-79.94, 55-487, Code of Virginia

#### Estimated Costs of Implementation

None

#### Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend and reordain Chapter 4 (CONDOMINIUMS AND COOPERATIVES) of Title 7 (PLANNING AND DEVELOPMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 4 of Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

CHAPTER 4

Condominiums and Cooperatives

Sec. 7-4-1 Generally.

Any building or structure erected or proposed to be erected, or converted or proposed to be converted, within the city which is subject to the Horizontal Property Act, Condominium Act, Va. Code § 55-79.39, et seq., or Virginia Real Estate Cooperative Act, Va. Code § 55-424, et seq., ~~of the state~~ or any amendments thereto, or the land on which they may be proposed or situated, shall be treated as though it be a building, structure or land without the feature of ~~horizontal property~~, condominium ownership or cooperative ownership, except where such treatment would be inconsistent with the general law governing a ~~horizontal property~~, condominium or cooperative regime established under the Horizontal Property Act, Condominium Act or Virginia Real Estate Cooperative Act.

Sec. 7-4-2 Reserved. ~~Planning commission to adopt rules and regulations.~~

~~The city planning commission is hereby directed and authorized to adopt supplemental rules and regulations not inconsistent with general law governing any horizontal property, condominium or cooperative regime established under the state Horizontal Property Act, Condominium Act or Real Estate Cooperative Act and not inconsistent with the intention expressed in section 7-4-1, subject to the approval of the city council.~~

Sec. 7-4-3 Filing of documents and information.

- (a) (1) The developer of a conversion condominium as defined in the Condominium Act shall at the time the application for ~~of~~ registration of the condominium is filed with the Virginia Real Estate ~~Commission~~ Board, simultaneously file in the office of the clerk of the city council all the information which is required by the ~~commission~~ Board under section 55-79.89 of the Code of Virginia (1950), as amended.

1           (2) Such developer shall simultaneously file with the city clerk all supplemental  
2           information or additional documents which are filed with the Board, including a copy  
3           of the final registration.

4  
5           (3) Such developer shall file with the city clerk a complete copy of the formal notice  
6           actually sent to each of the tenants of the building pursuant to the Condominium Act,  
7           including the name and address of each tenant to whom such notice was sent. Such  
8           copy shall be filed with the city clerk on or before the date such notice is given to the  
9           tenant named in the notice.

10  
11           (4) There shall be no fee for such filings.

12  
13       (b)   (1) The developer of a conversion cooperative as defined in the Virginia Real Estate  
14           Cooperative Act shall at the time the application for of registration of the cooperative  
15           is filed with the Virginia Real Estate Commission Board, simultaneously file in the  
16           office of the clerk of the city council all the information which is required by the  
17           commission Board under section 55-498 of the Code of Virginia (1950), as amended.

18  
19           (2) Such developer shall simultaneously file with the clerk all supplemental  
20           information or additional documents which are filed with the Board, including a copy  
21           of the final registration.

22  
23           (3) Such developer shall file with the city clerk a complete copy of the formal notice  
24           actually sent to each of the tenants of the building pursuant to the Cooperative Act,  
25           including the name and address of each tenant to whom such notice was sent. Such  
26           copy shall be filed with the city clerk on or before the date such notice is given to the  
27           tenant named in the notice.

28  
29           (4) There shall be no fee for such filings.

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31       (c)   No developer of a conversion condominium or a conversion cooperative may offer or  
32           dispose of any interest in a condominium or cooperative unit located in the city prior  
33           to the time the information regarding the condominium or cooperative which  
34           includes such unit is filed in accordance with this section and any contract for the  
35           purchase and sale of an interest in a unit in violation of this section shall be deemed  
36           an illegal contract.

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38       Sec. 7-4-4 Chapter supplemental and additional to other code provisions.

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40           The provisions of this chapter shall be in addition and supplemental to all other provisions of  
41           this code.  
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1 Sec. 7-4-5 Conversion condominiums and conversion cooperatives--definitions; extensions of  
2 leases and dislocation reimbursement required.

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4 (a) For the purposes of this section:

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6 (1) "Declarant" shall mean any person or group of persons acting in concert  
7 that:

8  
9 a. Offers to dispose of his or its interest in a condominium unit not  
10 previously disposed of or, as part of a common promotional plan, offers to  
11 dispose of his or its cooperative interest not previously disposed of;

12  
13 b. Reserves or succeeds to any special declarant right; or

14  
15 c. Applies for registration of the condominium or the cooperative under  
16 title 55, Code of Virginia (1950), as amended.

17  
18 (2) "Disabled" means a person suffering from a severe, chronic physical or  
19 mental impairment which results in substantial functional limitations.

20  
21 (3) "Elderly" means a person not less than 62 years of age.

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23 (b) The elderly or disabled tenants occupying as their residence, at the time of the  
24 issuance of a general notice of condominium conversion or cooperative conversion,  
25 shall be offered leases or extensions of leases on the apartments or units they then  
26 occupied or, on other apartments or units of at least equal size and overall quality.  
27 The terms and conditions thereof shall be as agreed upon by the lessor and the lessee,  
28 except that the lessor must offer the lessee the option of a term of up to and including  
29 three years, and provided that the rent for such apartment or unit shall not be in  
30 excess of reasonable rent for comparable apartments or units in the same market area  
31 as such converted condominium or cooperative. Nothing herein shall require that  
32 such leases or extensions be offered on more than 20 percent of the apartments or  
33 units in such converted condominium or cooperative, or that such leases or  
34 extensions extend beyond three years from the date of such notice. Such leases or  
35 extensions shall not be required, however, in the case of any apartments or units  
36 which will, in the course of the conversion, be substantially altered in the physical  
37 layout, restricted exclusively to nonresidential use or be converted in such a manner  
38 as to require relocation of the tenant in premises outside of the project being  
39 converted.

40  
41 (c) Any declarant of any residential condominium or cooperative converted from  
42 multifamily rental use shall pay any tenant displaced by the conversion for actual  
43 moving expenses, but not to exceed the amount calculated according to the Moving

Expense Schedule promulgated pursuant to 24 VAC 30-41-220. In lieu of paying for actual expenses incurred, the declarant may elect to pay the full amount calculated according to such schedule, amounts not exceeding the amount to which the tenant would have been entitled to receive under sections 25-239(b) and 25-247.1 of the Code of Virginia (1950), as amended, if the real estate comprising the condominium or cooperative had been condemned by the department of highways and transportation, provided that such limitation The foregoing provisions shall not apply if declarant has elected to follow Alexandria's housing relocation assistance policy.

Sec. 7-4-6 Violations and penalties.

- (a) Any violation of the provisions of this chapter shall be punishable as a class one civil violation.
- (b) The following acts or omissions constitute a violation of this chapter:
- (1) Failure to file any document required to be filed with the city clerk pursuant to this chapter within the time required, or filing with the city clerk any document, required or otherwise, in connection with the registration of a conversion condominium or conversion cooperative which is materially false, inaccurate, incomplete or contrary to law.
- (2) Failure to send to a tenant within the time required any notice required to be filed with the city clerk pursuant to this chapter, or sending any notice, required or otherwise, to a tenant in connection with the registration of a conversion condominium or conversion cooperative which is materially false, inaccurate, incomplete or contrary to law.
- (3) Failure to make any payment required by this chapter to a tenant displaced by a condominium conversion or cooperative conversion, or unreasonably delaying, conditioning or withholding any such payment.
- (4) Failure to make or offer any lease required by this chapter to an elderly or disabled tenant, or unreasonably delaying, withholding or conditioning any such lease.
- (c) Whenever the city attorney has reasonable cause to believe that any person has engaged in, or is engaging in, or is about to engage in, the use of any deception, fraud, false pretense, false promise or misrepresentation in connection with the registration, sale, offering for sale, lease or offering for lease of a unit in a conversion condominium or conversion cooperative to a tenant, the city attorney may obtain a civil investigative order, or bring an action to enjoin such acts or omissions, pursuant to the Virginia Consumer Protection Act, Va. Code § 59.1-196, et seq.

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3 Section 2. That this ordinance shall become effective at the time and on the date of final passage.  
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5 WILLIAM D. EUILLE  
6 Mayor  
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8 Introduction: 03/08/05

9 First Reading: 03/08/05

10 Publication:

11 Public Hearing:

12 Second Reading:

13 Final Passage: